

CLEAN WATER ACT2-86A. Facility Response Plans1. AUTHORITY.

- a. To require, under 40 C.F.R. § 112.20(b)(1), the owner or operator of any non-transportation-related onshore facility to prepare and submit a facility response plan under 40 C.F.R. § 112.20 after considering the factors in 40 C.F.R. § 112.20(f)(2);
- b. To determine, under 40 C.F.R. § 112.20(f)(2)(i), whether a facility could, because of its location, reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines, based on the factors in 40 C.F.R. § 112.20(f)(2)(i);
- c. To determine, under 40 C.F.R. § 112.20(c) and (f)(3), whether a facility could, because of its location, reasonably be expected to cause significant and substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines, based on the factors in 40 C.F.R. § 112.20(f)(3);
- d. To require amendments to any facility response plan that does not meet the requirements of 40 C.F.R. § 112.20; and
- e. To rule on requests for reconsideration, under 40 C.F.R. § 112.20(i), of determinations that a facility can reasonably be expected to cause substantial harm or significant and substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines or that amendments to the facility response plan are necessary prior to approval.

2. TO WHOM DELEGATED. Authorities a, b, c and d are delegated to On-Scene Coordinators; Authority e is delegated to the Director, Superfund Division.3. LIMITATIONS.

- a. Before exercising the authorities in a, b, c, d or e, above, the appropriate delegatee must consult with the Regional Counsel or the Regional Counsel's designee.
- b. If, after the date of this delegation, Headquarters delegates these authorities under 40 C.F.R. § 112.20 in a way which conflicts with this delegation, then this delegation becomes void and all authorities revert to the Regional Administrator.

4. ADDITIONAL REFERENCES.

- a. Section 311(j)(1)(c) of FWPCA
- b. 40 C.F.R. § 112.20

c. 59 Federal Register 34098 (July 1, 1994)